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EXAMINER
JEAN, FRANTZ B

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/740,521	JOHN MATHON
	Examiner	Art Unit	
	Frantz B. Jean	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4 and 6-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4 and 6-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Claim Rejections - 35 USC § 102
This office action is in response to the amendment filed on 11/08/04. Claims
1-4 and 6-34 are still pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102
that form the basis for the rejections under this section made in this Office
action:
A person shall be entitled to a patent unless (b) the invention was patented
or described in a printed publication in this or a foreign country or in
public use or on sale in this country, more than one year prior to the date of
application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by
Annapareddy et al. (U.S. Patent No. 5,717,862).

As to claim 1, Annapareddy teaches a method comprising: sending a message from
the message source to the message destination [col. 3, lines 60-66;
Annapareddy discloses sending a message to a destination node]; receiving the
message at a route point, wherein the route point is a point in the digital
network between the message source and the message destination [col. 3, lines
60-66; Annapareddy discloses receiving the message at a child node (route
point)]; sending the original message from the route point to the message
destination along a first communication path [col. 3, line 60 - col. 4, line
5; Annapareddy discloses that a child node (route point) transmits identical
message copies to the destination across different links]; and
sending a copy of the message from the route point to the message destination
along a second communication path, wherein the second communication path is at
least partially different from the first communication path [col. 3, line 60 -
- col. 4, line 5; Annapareddy discloses that a child node (route point)
transmits identical message copies to the destination across different links];
wherein the amount of data sent to a message destination is tracked by
recording information at the route point [col. 3, lines 49-59; Annapareddy
discloses that a node (route point) maintains information on the status of
each message].

As to claim 2, Annapareddy teaches the method of claim 1, further comprising:
determining when either of the message or message copy is received by the
message destination [col. 5, lines 42-45; Annapareddy discloses that the
destination node determines when a message is received]; and in response to
the step of determining, preventing the non-received message from being
received by the destination [col. 5, lines 45-49; Annapareddy discloses that
the destination node cancels the link to prevent receiving another copy of the
message].

As to claim 3, Annapareddy teaches the method of claim 2, wherein the step of
determining includes a substep of maintaining a record of messages that have
been transferred to the message destination [col. 3, lines 49-59; Annapareddy
discloses maintaining information on the status of each message].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the
time the invention was made to a person having ordinary skill in the art to
which said subject matter pertains. Patentability shall not be negatived by
the manner in which the invention was made.

Claims 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over
Annapareddy in view of Jolly et al. (GB 1427319) and further in view of Bush
US application Number 2002/0002675 A1.

As to claim 4, Annapareddy teaches the invention substantially as claimed (see
rejection of claim 1 above). Annapareddy fails to teach that a copy of the
message is stored in an archive. However, Jolly teaches that a copy of the
message is stored in an archive [col. 1, lines 1820; Jolly discloses that the
nodes (route points) stores received messages]. It would have been obvious to
one of ordinary skill in the art at the time of the invention to modify
Annapareddy in view of Jolly so as to store messages at each node. One would
be motivated to do so to ensure that a copy of the message is retained until
it is established that the sent message has arrived at its destination.
Furthermore, Annapareddy and Jolly do not explicitly detail on a copy of a
message that is retained in an archive after the copy of the message has been
forwarded to a message destination. This feature was well known and expected
in the art at the time of the invention as can be evidenced by Bush
(abstract). One skill artisan at the time of the invention would have
recognized that retaining a copy of a message in an archive after it has been
forwarded to a destination for later use. In addition, the technique of having
a duplicate of a message available is very practical and also is a good remedy
for system recovery purpose due to computer failure or data loss.

Claims 7, 10-19 and 24-28 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Annapareddy in view of Jolly et al. (GB 1427319).

As to claim 7, Annapareddy teaches a process comprising the steps of:
providing information to be sent from a source to a destination, said source
and said destination coupled to said distributed networked computer system
[col. 3, lines 25-32; Annapareddy discloses sending messages between a source
and a destination node in a network]; generating a message at said source,
said message comprising the information and routing information [col. 3, lines
25-32; col. 4, lines 48-49; Annapareddy discloses sending a message comprising
routing information and data from a source to a destination node];
transmitting said message to a selected route point in said distributed
computer network using a first communication backbone [col. 3, lines 60-62;
Annapareddy discloses the transmission of a message to multiple child nodes
(route points) via plural paths (communication backbones)]; transmitting said
message to at least one additional selected route point in said distributed
computer network using a second communication backbone [col. 3, lines 60-62;
Annapareddy discloses the transmission of a message to multiple child nodes
(route points) via plural paths (communication backbones)]; and transmitting
said message from route point to said destination [col. 3, lines 62-65;

Annapareddy discloses that the message is transmitted from each child node
(route point) to the destination]; and eliminating duplicate copies of said
message at said destination [col. 5, lines 42-49; Annapareddy discloses that
the destination node cancels a link to avoid receiving duplicate messages].
Annapareddy fails to teach the limitation of archiving said message at each
route point.
However, Jolly teaches the limitation of archiving said message at each route
point [col. 1, lines 18-20; Jolly discloses that the nodes (route points)
stores received messages].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Jolly so as to store messages
at each node. One would be motivated to do so to ensure that a copy of the
message is retained until it is established that the sent message has arrived
at its destination.

As to claim 10, the combination of Annapareddy in view of Jolly teaches the
process of claim 7 further including the steps of:
providing routing information to said source [col. 4, lines 48-49;
Annapareddy discloses that each message from the source contains routing
information]; and associating an archive to said source [col. 1, lines 37-45;
Jolly discloses that messages are sent from a source to a node which stores
the message].

As to claim 11, the combination of Annapareddy in view of Jolly teaches the
process of claim 10 further including the step of associating said source with
selected route points [col. 4, lines 48-50; Annapareddy discloses that each
message from the source to a nod (route point) contains routing information],
said associating step further including the step of updating said association
in response to alerts issued by at least one of said route points [col. 3,
lines 49-52; Annapareddy discloses that each node returns status information
to the source regarding its ability to deliver the message].
As to claim 12, the combination of Annapareddy in view of Jolly teaches the
process of claim 11 further including a step of providing a network controller
coupled to said distributed computer network for configuring said distributed
computer network in response to said alert [col. 1, lines 26-28; Annapareddy
discloses rerouting messages to avoid unavailable nodes].

As to claim 13, the combination of Annapareddy in view of Jolly teaches the
process of claim 11 further including the step of providing real-time
performance monitoring and management of the hardware components comprising
said distributed computer network [col. 3, lines 49-59; Annapareddy discloses
monitoring the status of nodes (route points) in a network].

As to claim 14, the combination of Annapareddy in view of Jolly teaches the
process of claim 13 wherein said monitoring and management step further
includes the step of responding to said alert [col. 5, lines 14-22;
Annapareddy discloses responding to a control code point (alert) to stop
transmitting data].

As to claim 15, the combination of Annapareddy in view of Jolly teaches the
process of claim 14 further including a step of updating a database showing
the operational status of each component in said distributed computer network
in response to said alert, said database accessible by said network controller

[col. 3, lines 49-52; Annapareddy discloses that the parent node (network controller) maintains status information on all child nodes].

As to claim 16, the combination of Annapareddy in view of Jolly teaches the process of claim 7 further including a step of generating an alert in response to detection of a failure to complete the transmission of said message from said source to said destination [col. 4, lines 6366; Annapareddy discloses that nodes issue a code control point (alert) when they are unable to transmit a message].

As to claim 17, the combination of Annapareddy in view of Jolly teaches the process of claim 16 further including a step of updating a database in response to said failure detection [col. 3, lines 49-52; Annapareddy discloses that the parent node (network controller) maintains status information on all child nodes] and configuring said distributed computer network in response to changes to said database, said database accessible to said network controller [col. 1, lines 26-28; Annapareddy discloses rerouting messages to avoid unavailable nodes]. As to claim 18, the combination of Annapareddy in view of Jolly teaches the process of claim 17 further including a step of associating said source with selected route points [col. 3, lines 49-52; Annapareddy discloses that the parent node (source) maintains status information on the child nodes], said associating step further including the step of updating said association in response to said failure detection [col. 3, lines 49-52; Annapareddy discloses that the parent node (source) maintains status information on the child nodes].

As to claim 19, Annapareddy teaches an apparatus comprising: means for generating messages, said generating means coupled to said network [col. 5, lines 24-25;Annapareddy discloses sending messages in a network]; a first route point [col. 5, lines 25-27; node A]; a second route point [col. 5, lines 25-27; node F]; means for transmitting said message to said first selected route point in said distributed computer network using a first communication backbone and to said second selected route point in said distributed computer network using a second communication backbone [col. 5, lines 2734; Annapareddy discloses transmitting multiple copies of a message to nodes (route points) via different communication backbones]; means for transmitting said message from said first route point to said destination using said first communication backbone [col. 5, lines 29-34; Annapareddy discloses transmitting a message from multiple nodes (route points) to the destination using different communication backbones]; means for transmitting said message from said at least one additional route point to said destination using said second communication background [col. 5, lines 29-34; Annapareddy discloses transmitting a message from multiple nodes (route points) to the destination using different communication backbones]; means for eliminating duplicate copies of said message at said destination [col. 5, lines 42-49; Annapareddy discloses that the destination node cancels the link to avoid duplicate copies of the message]; and means for recovering said information at said destination [col. 5, lines 42-45; Annapareddy discloses that the destination node selects the message from one of the nodes (route points)].
Annapareddy fails to teach the limitation of means for archiving said message at each route point, said archival means associated with said route point. However, Jolly teaches the limitation of means for archiving said message at each route point, said archival means associated with said route point [col.

1, lines 18-20; Jolly discloses that the nodes (route points) stores received
messages].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Jolly so as to store messages
at each node. One would be motivated to do so to ensure that a copy of the
message is retained until it is established that the sent message has arrived
at its destination.

As to claim 24, the combination of Annapareddy in view of Jolly teaches the
apparatus of claim 19 further including a distributed database means for
archiving said message at each route point, said archival means coupled to
said network [col. 1, lines 18-20; Jolly discloses nodes (route points) in a
network which store messages].

As to claim 25, the combination of Annapareddy in view of Jolly teaches the
apparatus of claim 19 further including means for generating an alert, said
alert generating means associated with said route point [col. 4, lines 63-66;
Annapareddy discloses that nodes (route points) generate control code points
(alerts) when they are unable to establish a connection].

As to claim 26, the combination of Annapareddy in view of Jolly teaches the
apparatus of claim 25 further including means for responding to said alert;
said alert responding means coupled to said network [col. 1, lines 26-28;
Annapareddy discloses a network that reroutes messages to avoid unavailable
nodes (route points)].

As to claim 27, the combination of Annapareddy in view of Jolly teaches the
apparatus of claim 26 further including means for activating a response to
said alert; said activating means coupled to said alert responding means
network [col. 1, lines 26-28; Annapareddy discloses a network that reroutes
messages to avoid unavailable nodes (route points)].

As to claim 28, the combination of Annapareddy in view of Jolly teaches the
apparatus of claim 25 further including means for re-configuring said
distributed computer network, said reconfiguring means comprising means for
transmitting configuration information to said connector such that said
message is transmitted to at least one route point in said distributed
computer network other than said first or second route point [col. 1, lines
26-28; Annapareddy discloses a network that reroutes messages to avoid
unavailable nodes (route points)].

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Annapareddy in view of Sleeper (U.S. Patent No. 6,401,074).

As to claim 6, Annapareddy teaches the invention substantially as claimed (see
rejection of claim 1 above).
Annapareddy fails to teach that an XML envelope is applied to the message.
However, Sleeper teaches of an XML envelope being applied to a message [col.
9, lines 19-24; Sleeper discloses encapsulating messages in XML data packages
(envelopes)].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Sleeper so as to apply XML
encapsulation to messages. One would be motivated to do so to keep the
contents of the message private.

Claims 8-9, 20-21 and 23 are rejected under 35 U.S.C. 103(x) as being
unpatentable over Annapareddy in view of Jolly et al., and further in view of
Hanzek (U.S. Patent No. 6,654,726).

As to claim 8, the combination of Annapareddy in view of Jolly teaches the
invention substantially as claimed (see rejection of claim 7 above).
The combination fails to teach the limitation of providing an application
program interface (API) at said source to enable business-to-business
application programs to obtain information contained in said message.
However, Hanzek teaches the limitation of providing an application program
interface (API) at said source to enable business-to-business application
programs to obtain information contained in said message [col. 7, lines 30-38;
col. 16, lines 13-19; Hanzek discloses a system enabling business to business
communications between a consumer and a product providing entity].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Jolly, in view of Hanzek so as
to include business-to-business functionality. One would be motivated to do so
to enable reliable message delivery in an ecommerce environment.

As to claim 9, the combination of Annapareddy in view of Jolly, in view of
Hanzek teaches the process of claim 8 above, further including the step of
providing an application program interface (API) at said destination to enable
business to business application programs acquire the information contained in
said message [col. 7, lines 30-38; col. 16, lines 13-19; Hanzek discloses a
system enabling business to business communications between a consumer and a
product providing entity].

As to claim 20, the combination of Annapareddy in view of Jolly teaches the
invention substantially as claimed (see rejection of claim 19 above).
The combination fails to teach the limitation wherein said means for
generating messages further comprises a program interface to business-to-
business application programs.
However, Hanzek teaches the limitation wherein the means for generating
messages further comprises a program interface to business to business
application programs [col. 7, lines 30-38; col. 16, lines 13-19; Hanzek
discloses a system enabling business to business communications between a
consumer and a product providing entity through an application program
interface].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Jolly, in view of Hanzek so as
to include business-to-business functionality. One would be motivated to do so
to enable reliable message delivery in an ecommerce environment.
As to claim 21, the combination of Annapareddy in view of Jolly, in view of
Hanzek teaches the apparatus of claim 20 further including means for
establishing communication between said means for generating messages and said
route points [col. 3, lines 25-29; col. 5, lines 24-34; Annapareddy discloses
a communication link between a source node (means for generating message) and
intermediate nodes (route points)].

As to claim 23, the combination of Annapareddy in view of Jolly, in view of
Hanzek teaches the apparatus of claim 20 further comprising means for
encrypting said message [col. 14, lines 34-45; Hanzek discloses receiving
encrypted data).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Annapareddy in view of Jolly et al., further in view of Hanzek, and further in
view of Sleeper (U.S. Patent No. 6,401,074).

As to claim 22, the combination of Annapareddy in view of Jolly, in view of
Hanzek teaches the invention substantially as claimed (see rejection of claim
20 above).
The combination fails to teach the limitation of means for creating an
envelope, said envelope comprising routing information and an opaque payload.
However, Sleeper teaches the limitation of means for creating an envelope,
said envelope comprising routing information and an opaque payload [cot. 9,
lines 19-24; Sleeper discloses routing XML data packages (envelopes) to a
recipient who unpacks the XML package so as to view its contents].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Jolly, in view of Hanzek, in
view of Sleeper so as to apply XML encapsulation to messages. One would be
motivated to do so to keep the contents of the message private.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Annapareddy in view of Jolly et al., and further in view of DeVos et al. (U.S.
Patent No. 6,240,552).

As to claim 29, the combination of Annapareddy in view of Jolly teaches the
invention substantially as claimed (see rejection of claim 25 above).
The combination fails to teach the limitation of further including means for
recovering said message from said archive.
However, De Vos teaches the limitation of including means for recovering said
message from said archive [col. 1, lines 46-52; De Vos discloses a delivery
storage medium unit for retrieving data from an archive].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Jolly, in view of De Vos, in
view of so as to allow retrieval of messages stored at the nodes. One would be
motivated to do so to enable resending a message not received at the
destination.

As to claim 30, the combination of Annapareddy in view of Jolly, in view of De
Vos teaches the apparatus of claim 29 further including means for tracking
receipt of messages at said destination [col. 2, lines SS-62; Jolly discloses
determining that a sent message has arrived at its destination].

As to claim 31, the combination of Annapareddy in view of Jolly, in view of De
Vos teaches the apparatus of claim 30 further including means for accessing
said archives to acquire said message and to determine delivery information
[col. 1, lines 46-52; De Vos discloses that a delivery storage medium unit
retrieves data from an archive and outputs the data with routing information].

Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Annapareddy in view of Sleeper, further in view of Jolly et al., and further
in view of DeVos et al.

As to claim 32, Annapareddy teaches an apparatus comprising a plurality of
route points [col. 4, lines 25-34; nodes as route points].

Annapareddy fails to teach the limitation of the apparatus comprising: a
plurality of connectors, each of which coupled by said network to at least a
pair of said route points; said connectors adapted to receive information and
configuring said information in an envelope prior to transmitting said
envelope to said route points; a distributed database for archiving said
envelope at each route point, said distributed database coupled to said route
points by said network; a second plurality of connectors, each of which
coupled by said network to at least two of said plurality of route points,
said second plurality of connectors adapted to acquire said envelope from said
at least two of said plurality of route points and for determining whether one
of said envelope is a duplicate of an earlier received envelope; means for
acquiring said envelope from either said route point or from said distributed
database.
However, Sleeper teaches the limitation of a connector adapted to receive
information and configuring said information in an envelope prior to
transmitting said envelope to said route points [col. 8, lines 56-59; Sleeper
discloses a PRS messenger (connector) receiving information from a POS system
(source) and packaging the information before sending it to its destination].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Sleeper so as to package a
message before transmitting it to each node. One would be motivated to do so
to keep the contents of the message private.
Jolly teaches the limitation of a distributed database for archiving said
envelope at each route point, said distributed database coupled to said route
points by said network [col. 1, lines 18-20; Jolly discloses that messages are
stored at the nodes (route points)].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Sleeper, in view of Jolly so as
to store messages at each node. One would be motivated to do so to ensure that
a copy of the message is retained until it is established that the sent
message has arrived at its destination.
The combination of Annapareddy in view of Sleeper teaches the limitation of a
second plurality of connectors adapted to acquire said envelope from said at
least two of said plurality of route points and for determining whether one of
said envelope is a duplicate of an earlier received envelope [col. 9, lines
19-24; Sleeper discloses receiving an XML data package (envelope); col. 5,
lines 42-49; Annapareddy discloses accepting a message from a node (route
point) and rejecting duplicate copies of that message from other nodes (route
points)].
De Vos teaches the limitation of means for acquiring said envelope from either
said route point or from said distributed database [col. 1, lines 46-52; De
Vos discloses a delivery storage medium unit for retrieving data from an
archive].
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Annapareddy in view of Sleeper, in view of Jolly, in
view of De Vos so as to allow retrieval of messages stored at the nodes. One
would be motivated to do so to enable resending a message not received at the
destination.

As to claim 33, the combination of Annapareddy in view of Sleeper, in view of
Jolly, in view of De Vos teaches the apparatus of claim 32 further including a
network controller coupled to said network [col. 1, lines 26-28; Annapareddy
discloses a network controlling entity to reroute messages].

As to claim 34, the combination of Annapareddy in view of Sleeper, in view of
Jolly, in view of De Vos teaches the apparatus of claim 33 further including a
network operations center for real-time performance monitoring of said network
[col. 3, lines 49-52; Annapareddy discloses monitoring the status of nodes in
a network], said network operations adapted to respond to an alert [col. 1,
lines 26-28; Annapareddy discloses rerouting messages to avoid unavailable
nodes] and for updating said network manager of the operational status of each
component in said distributed computer network in response to said alert [col.
3, lines 49-52; col. 4, lines 63-66; Annapareddy discloses updating the status
of nodes in a network].

Response to Arguments

Applicant's arguments filed 11/08/2004 have been fully considered but they are

not persuasive.

Applicant argued that (1) the node described in Jolly does not serve as an

archive and store messages for archive purpose, (2) maintaining information on the

status of message does not necessarily imply tracking the amount of data sent to a

message destination.

Examiner respectfully submits that regarding to item (1), although the node is not

an archive, it must be noted that message can be stored in a node. In addition, the node

can play the role of a server and so on. Therefore, archiving a message in Jolly's node

is practical unless the invention as claimed excludes that possibility. As a result, the

rejection is sustained.

Regarding to item (2), examiner strongly believes that maintaining information on

a message status (i.e keeping track or monitoring) implies not only the system is

checking on whereabouts or status of each message in order to know if it has been

delivered or read or modified and so on, but also by doing so the system automatically

keeps count on messages that have or have not reached their destination in order to

remedy to the situation. Therefore, the step of keeping track of the amount of data sent

to a message destination is inherent in the step of maintaining information on messages

status (see col. 3 lines 49 et seq of Annapareddy). Accordingly, the rejection is

maintained.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Frantz B. Jean whose telephone number is 571-272-

3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean

FRANTZ B. JEAN
PRIMARY EXAMINER